

Rejection Under 35 U.S.C. § 102(b)

The rejection of claims 22-25 under 35 U.S.C. § 102(b) as being anticipated by JP 9-505464 is respectfully traversed.

Applicant's claim 22 is directed to a method of detecting a biomolecule, comprising reacting a biomolecule sample and a probe labeled with an organic EL-dye which comprises a condensed poly-ring compound including an azole compound or imidazole compound, and measuring the fluorescence of the biomolecule sample, labeled with the organic EL-dye.

The Examiner asserts that JP 9-505464 discloses a compound comprising an EL-dye comprising a condensed poly-ring which includes an azole. See page 2 of the Office Action.

However, an azole is a 5-membered nitrogen heterocyclic ring compound which contains at least one other non-carbon atom, nitrogen, sulfur or oxygen. JP 9-505464 discloses an EL-dye comprising Ru complex having dipyrindyl ligands. (Please see Figure 7 of U.S. 6,048,687, which is the U.S. counterpart to JP 9-505464.) However, JP 9-505464 does not teach or suggest an EL-dye comprising a condensed poly-ring including an azole.

Accordingly, claims 22-25 are allowable and this rejection should be withdrawn.

Claim Objection

The objection to claims 26 and 33-36 is rendered moot in view of the above arguments. Specifically, claims 26 and 33-36 are directly or indirectly dependent on claim 22, which is allowable for the reasons set forth above. Accordingly, it is respectfully requested that this objection be withdrawn.

Claim Allowance

The Applicant acknowledges with thanks the Examiner's indication of the allowance of claims 33-43. [Although the Examiner indicates that claims 27-43 are allowed, this appears to be a typographical error, as claims 27-32 are cancelled.]

Conclusion

Therefore, in view of the remarks, it is submitted that each of the grounds of objection and rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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2009.03.16 16:15:43 -04'00'

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March 16, 2009